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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,295	10/02/2000	Mathias Entenmann	35901.3	4137
27683 7590 02/04/2008 HAYNES AND BOONE, LLP 901 Main Street Suite 3100 Dallas, TX 75202				
EXAMINER				
TRAN, HAI				
ART UNIT		PAPER NUMBER		
3694				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/678,295

Applicant(s)

ENTENMANN, MATHIAS

Examiner

HAI TRAN

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7, 9, 10, 12-19 and 22-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 9, 10, 12-19 and 22-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

1. This is the **Final Office Action** in response to the Amendment filed by the applicant on November 6, 2007, titled: "Method of Effecting Cashless Payments and A System for Implementing the Method".
2. Claims 1-4, 7, 9-10, 12-19, and 22-32 are pending in this application and have been examined.

Priority

3. This application claims the benefit of PCT/ET00/00772, filed February 1, 2000.

Response to Arguments

4. Applicant's arguments with respect to claims 1-4, 7, 9-10, 12-19, and 22-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 7, 9-10, 12-19, and 22-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Partridge, III (U.S. Patent No. 5,608,778) ("Partridge") in view of Jonstromer (U.S. Patent No. 6,142,369) ("Jonstromer").

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

7. **Regarding claim 1**, Partridge discloses a method of effecting a cashless payment transaction by means of a merchant station characterized by a merchant station identification code, a mobile cell phone with a SIM card characterized by an identification code identifying the SIM card, and a comparing device, which comprises a transaction data memory device, a merchant checking device for checking the identification codes of the merchant stations authorized for this method, and a subscriber checking device for checking the identification codes of the SIM cards authorized for this method and which is connected to account keeping device (see figure 1, col. 1, lines 34-10 of col. 2), comprising the steps:
- reading an amount of money to be paid into the merchant station (see col. 3, lines 18-22, col. 4, lines 5-15, figure 2/element 12,),
 - transmitting, by the merchant station, the identification code of the merchant station and at least the amount of money to the comparing device through a data link (see col. 5, lines 3-5, figure 2/element 18, col. 3, lines 36-23 of col. 7),
 - checking the authority of the merchant station for the method, using the merchant checking device (see figure 2/element 14, col. 3, lines 36-23 of col. 7),

terminating the method in the absence of the authority, otherwise writing the data as an open transaction into the transaction memory device of the comparing device (see figure 2/element 17, col. 3, lines 36-23 of col. 7),

after the step of reading the amount of money into the merchant station, making a connection from the mobile cell phone to the comparing device (see figure 2/element 14, col. 3, lines 36-23 of col. 7),

transmitting the identification code of the merchant station and the identification code associated with the SIM card from the mobile cell phone to the comparing device (see figure 2/elements 14, 17; col. 3, lines 36-23 of col. 7 and **note** below),

checking the authority of the SIM card for the method, using the subscriber checking device, in the absence of the authority terminating the method, clearing the open transaction from the transaction memory and the transmitting corresponding data to the merchant station, otherwise comparing the merchant station identification code transmitted from the mobile cell phone with those of the open transactions stored in the transaction memory device and on failure to find such a transaction terminating the process and, on finding the transaction (see figure 2/element 17, col. 3, lines 36-23 of col. 7),

transmitting the transaction data to the mobile cell phone (see col. 2, lines 40-23 of col. 7, figure 2),

outputting the data through the mobile cell phone (see col. 2, lines 40-23 of col. 7, figure 2),

requesting confirmation information through the mobile cell phone (see col. 2, lines 40-23 of col. 7, figure 2),

transmitting the confirmation data to the comparing device (see col. 2, lines 40-23 of col. 7, figure 2),

terminating the transaction and clearing the transaction from the transaction memory if the confirmation data corresponds to a refusal, and transmitting the transaction data from the transaction memory and the identification code of the mobile cell phone to an account keeping device and clearing the transaction from the transaction memory in the alternative case (see col. 2, lines 40-23 of col. 7, figure 2);
and

transmitting additional supplementary transaction data to the comparing device or mobile cell phone from the merchant station (see col. 2, lines 40-23 of col. 7, figure 2).

Partridge teaches electronic financial transaction authentication using cellular phone, but it does not expressly teach a cellular phone with a SIM card. However, Jonstromer teaches a cellular phone with a smart card (or SIM card) for conducting electronic financial transactions. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Jonstromer, relating to electronic financial transactions using a SIM card, with the teachings of Partridge, relating to electronic financial transaction authentication via cellular phone, to offer an improved system to customers as described in Partridge (see col. 9, lines 15-21).

Note: The Examiner believes that a combination of Partridge and Jonstromer discloses Applicant's invention and the major argument specified in the Applicant's amendment, page 11, 2nd paragraph which states "transmitting or receiving the identification code of the merchant station and the identification code of the SIM card from mobile cell phone to the comparing device".

8. **Regarding claim 2**, Partridge teaches a method according to claim 1, characterized in that the merchant station and the cell phone have interfaces for wireless transmission of data from the merchant station to the cell phone, and in that the identification code of the merchant station is transmitted to the mobile cell phone through these interfaces for wireless transmission before the mobile phone connection to the comparing device is made, and in that the identification code stored there can be transmitted during the existence of the connection to the comparing device (see col. 5, lines 1-5).

9. **Regarding claims 9-10**, Partridge teaches a method according to claim 2, characterized in that at least one of the wireless interfaces is an infrared interface, and a microwave interface (see col. 1, lines 11-30).

10. **Regarding claim 12**, Partridge teaches a method according to claim 1, characterized in that when one of the necessary connections cannot be made, the transaction is terminated and if required the corresponding, stored open transactions in the transaction memory of the comparing device are cleared (see figures 2-6, col. 2, lines 40-23 of col. 7).

11. **Regarding claim 13**, Partridge teaches a method according to claim 1, characterized in that the identification codes are replaced by the corresponding data identifying the account before transmission to the account keeping devices (see figures 2-6, col. 2, lines 40-23 of col. 7).

12. **Regarding claim 14**, Partridge teaches a method according to claim 1, characterized in that, when no connection can be made to the merchant station or the mobile cell phone, at least one further attempt is made to make this connection and the process is only then terminated (see figures 2-6, col. 2, lines 40-23 of col. 7).

13. **Regarding claim 15**, Partridge teaches a method according to claim 1, characterized in that when one of the connections cannot be made, a communication is given to the merchant station or the mobile cell phone, before the procedure is terminated (see figures 2-6, col. 2, lines 40-23 of col. 7).

14. **Regarding claims 16-17**, Partridge does not expressly teach SIM card feature. However, Jonstromer teaches electronic financial transaction using a SIM card (see Jomstromer, col. 1, lines 45-59 of col. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Jonstromer, relating to electronic financial transactions using a SIM card, with the teachings of Partridge, relating to electronic financial transaction authentication via cellular phone, to offer an improved system to customers as described in Partridge (see col. 9, lines 15-21).

15. **Regarding claims 3, 4, 7, and 23-31**, these claims are similar to claims 1, 2, 9, 10, and 12-17. They have same elements and limitations. Hence, they are rejected under the rationale provided in claims 1, 2, 9, 10, and 12-17.

16. **Regarding claims 18, 19, 22 and 32**, these are the system claims for implementing the method claims 1-4, 7, 9-10, 12-17, and 23-31. They have the same steps and limitations. Hence, they are rejected under the rationale provided in claims 1-4, 7, 9-10, 12-17, and 23-31.

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 3694

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAI TRAN whose telephone number is (571)272-7364.

The examiner can normally be reached on M-F, 9-4 PM.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. T./

Examiner, Art Unit 3694

/James P Trammell/

Supervisory Patent Examiner, Art Unit 3694